REMARKS

In regard to objected browser-executable code in the specification, Applicant has no intention of inserting executable code in the specification. A web site address is not executable, unless it is made so by the software creating the soft copy of the specification. Nevertheless, Examiner is suggested by Examiner amendment to remove such executable code, if one is present in the specification.

For claim 17, Applicant has amended claim 17 to depend on claim 16.

For claims 13 and 28, and rejection under section 112, it is noted that the power control loop resides in the base station. The base station informs the mobile station regarding power control of the reverse link, i.e. from mobile station to the base station. The code channel and pilot channel, while controlling their power ratio, are originated from the mobile station. Applicant has made clear throughout the application and claims. Examiner assumption is misplaced.

Examiner has rejected claims 1-3, 16-18 under section 102(a), and all other claims under section 103(a). Examiner notes that Blaker (WO 00/075905) used in rejection under section 102 and 103, teaches determining duty cycle of a communication channel and controlling the power level of the communication channel based on the duty cycle. Applicant notes that the duty cycle mentioned in Blaker refers to ON-OFF transmission time. As such, the longer the transmitter ON time, the lower the transmit power level needs to be in order to comply with a total transmit power mandated for applications such as garage door openers, as directed by Blaker.

In contrast, the duty cycle of the claimed invention is the duty cycle of data frame transmissions of a communication channel. As such, the data transmitted during a frame of data may have any type of duty cycle. As it is known, the pilot channel is transmitted often time with either an all ones or all zeros data bits. Therefore, in one aspect, the pilot channel is always ON, or always OFF, if one interpreted the teaching of the Blaker. This duty cycle has nothing in relation to the duty cycle of data frame transmissions of a communication channel, as recited in claim 1. Moreover, as recited in claim 6, the duty cycle of data frame transmissions of a communication channel

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provide for adjusting a parameter of a power control outer loop at said base station, wherein said power control outer loop is operating to control power level of data transmissions during at least one of said data frame transmissions from said mobile station. Therefore, the duty cycle of data frame transmissions of a communication channel controls in one aspect the power level of data transmissions during at least one of said data frame transmissions. The references relied upon by Examiner to reject the claims individually or in combination do not suggest or teach controlling the power level of data transmissions during at least one of said data frame transmissions based on the duty cycle of data frame transmissions.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: _____June 10, 2003_____   By: _____

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APPENDIX A

1. (Amended)   In a communication system, a method comprising:

determining duty cycle <u>of data frame transmissions</u> of a communication channel;

controlling power level of said communication channel based on said determined duty cycle.

6. (Amended) The method as recited in claim 1 wherein said communication channel is between a mobile station and a base station, wherein said controlling comprises:

adjusting a parameter of a power control outer loop at said base station, wherein said power control outer loop is operating to control power level of [a signal transmitted] <u>data transmissions during at least one of said data frame transmissions</u> from said mobile station.

7. (Amended) The method as recited in claim 1 wherein said communication channel is between a mobile station and a base station, wherein said controlling comprises:

adjusting a frame error rate set point, at said mobile station, of a power control outer loop, wherein said power control outer loop is operating to control power level of [a signal transmitted] <u>data transmissions during at least one of said data frame transmissions</u> from said mobile station.

16. (Amended) In a communication system, an apparatus comprising:

a controller configured for determining duty cycle of <u>data frame transmissions of</u> a communication channel;

wherein said controller further configured for controlling power level of said communication channel based on said determined duty cycle.

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17. (Amended) The apparatus as recited in claim 16, wherein said controller is configured for comparing said determined duty cycle against a duty cycle threshold, and wherein an adjustment for controlling power level via said controlling is based on said comparing.

21. (Amended) The apparatus as recited in claim 16 wherein said communication channel is between a mobile station and a base station, wherein said controller is configured for said controlling by adjusting a parameter of a power control outer loop at said base station, wherein said power control outer loop is operating to control power level of [a signal transmitted] data transmissions during at least one of said data frame transmissions from said mobile station.

22. (Amended) The apparatus as recited in claim 16 wherein said communication channel is between a mobile station and a base station, wherein said controller is configured for said controlling by adjusting a frame error rate set point, at said mobile station, of a power control outer loop, wherein said power control outer loop is operating to control power level of [a signal transmitted] data transmissions during at least one of said data frame transmissions from said mobile station.

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